



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 20 1998

REPLY TO THE ATTENTION OF:

Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

RE: Consent Decree Regarding Settlement for the Albion-Sheridan Site outside Albion,
Michigan

Dear Ms. Schiffer:

I recommend that the Department of Justice approve the proposed Consent Decree regarding a settlement for the Albion-Sheridan Landfill Site ("the Site") outside Albion, Michigan. The United States alleges that the settling defendant, Decker Manufacturing Company, arranged, by contract or agreement or otherwise, for the disposal of, or transported for disposal, hazardous substances owned or possessed by the settling defendant at the Site.

The Site is located approximately one mile east of Albion, in Sheridan Township, Calhoun County, Michigan. The Site occupies approximately 18 acres of a 30 acre parcel. The surrounding land use is a mix of residential, agricultural, industrial, and commercial. Groundwater flows beneath the Site, and approximately 10 residential wells are within 2000 feet of the Site.

The landfill was owned by Gordon Stevick (now deceased) and operated in conjunction with the City of Albion ("the City") between 1966 and 1981 for the purpose of accepting local municipal and industrial wastes. In the early 1970's, the Michigan Department of Natural Resources (MDNR) approved the landfill to accept metal plating sludges. Industrial waste was often disposed of at the landfill as drummed waste. No records have been discovered that show the disposal practices of the former operator, however, it is known that waste and drums were disposed of in unlined excavations. When the landfill closed in 1981, it is estimated that it had accepted at least 6,000 cubic yards of metallic sludge and 35,000 drums of paint wastes and spent solvents, in addition to municipal wastes.

In 1980, the Michigan Department of Natural Resources (MDNR) sampled non-containerized sludges and found them to contain heavy metals, including chromium, zinc, nickel, and lead. The landfill ceased operations in 1981. In 1988 and 1989, the United States Environmental Protection Agency ("U.S. EPA") performed a Site inspection and found drums containing VOCs including ethylbenzene, toluene, tetrachloroethylene, 1-1-1 trichloroethane, and xylene. The Site was listed on the National Priorities List in October of 1989.

In 1990, EPA issued a Unilateral Administrative Order ("UAO") to five PRPs pursuant to Section 9606 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) requiring the PRPs to sample surface containers and identify waste streams, overpack drums, transport and dispose of waste streams, and secure the Site. Two PRPs, Eagle-Pitcher Industries and Seiler Tank Truck Services, Inc. performed the removal. Both companies are no longer active PRPs, as Eagle-Pitcher Industries was dissolved in bankruptcy, with EPA receiving a share, and Seiler Tank Truck was dissolved.

The removal took place from June until September of 1990, during which time the contractor overpacked and removed eighteen 55 gallon drums and two containers, removed twenty empty drums, and removed two underground and one aboveground storage tank.

In 1991, EPA issued a Special Notice Letter to the PRPs offering them the opportunity to conduct a Remedial Investigation/Feasibility Study ("RI/FS"). The PRPs declined, and EPA performed the RI/FS in 1992. The RI/FS showed the presence of several volatile organic compounds, semi-volatile compounds, and pesticides/PCBs. Several inorganic analytes were present above background concentrations calculated for subsurface soils, including antimony, arsenic, chromium, copper, lead, mercury, sodium, and zinc. Results of groundwater analysis, leachate analysis, and residential well sampling showed that percolation of landfill leachate has impacted water quality at the Site.

In October of 1995, EPA issued a UAO to four PRPs requiring them to conduct RD/RA at the Site. Three of those four Respondents, including settling defendant, indicated an intent to comply with the UAO. Settling defendant, however, subsequently failed to comply with the UAO. The RD/RA is currently being implemented by the other two cooperating PRPs, Cooper Industries and Corning, Inc.

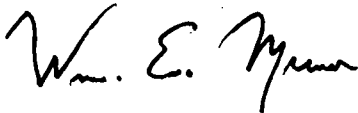
The remedial action began in October of 1997, and addresses four areas of concern: hazardous and liquid waste drums within the landfill, landfill cover, landfill gases, and groundwater contamination. The remedy includes restrictive covenants/deed restrictions, drum removal, and installation of a flexible membrane lined cap and gas collection system. If appropriate groundwater standards are not achieved, a contingent groundwater remedy will be implemented. The remedy is scheduled for completion in November of 1998.

On December 11, 1997, the United States, on behalf of the U.S. EPA, filed an action to recover the past costs incurred, plus interest, from the City. The settling defendant in this Consent Decree has been joined as a third party defendant to that litigation.

U.S. EPA requests approval of the enclosed Consent Decree. Pursuant to its terms, the settling defendant will pay \$250,000 to U.S. EPA upon entry of the Consent Decree. In return, the settling defendant will receive contribution protection from U.S. EPA, and a covenant not to sue from U.S. EPA for past costs associated with the Site.

Given the nature of this case, I believe that this Consent Decree represents a fair and equitable outcome under CERCLA. The U.S. EPA technical contact for the Albion-Sheridan Landfill Superfund Site is Jon Peterson at 312/886-1434. The U.S. EPA attorney for the Site is Kathleen Schnieders, Assistant Regional Counsel, at 312/353-8912.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W. E. Muno".

William E. Muno
Director, Superfund Division

Enclosure

cc: Steven A. Herman
Assistant Administrator for Enforcement and
Compliance Assurance

Barry Breen, Director
Office of Site Remediation Enforcement

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Environment and Natural Resources Division
U.S. Department of Justice